IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No.23733 of 2000

Between:

1. National High School, Musthaipura, Nizamabad rep.by its Secretary & Correspondent, Gulam Nabi Nusrat, S/o Shaik Mahaboob, R/o. Nizamabad.

2. Modern Upper Primary School, Nizamabad, rep.by its Secretary & Correspondent Smt.Khudeja Begum, R/o Nizamabad.

3. Noble Upper Primary School, Phulong, Nizamabad rep.by its Secretary & Correspondent Md.Ibrahim, S/o M.A.Hafeez, R/o Nizamabad.

4. Golden Jubilee High School (Urdu & English Medium), Mustaipura, Nizamabad, rep.by its Secretary and Correspondent, Badruddin Panjawani, R/o Nizamabad.

5. Public Primary School, Nizamabad, rep.by its Secretary & Correspondent, Gulam Ahmed Anwar, R/o Nizamabad.

6. Standard Primary School, Ahmedpura Colony, Nizamabad, rep.by its Secretary & Correspondent, Syed Noorullah, S/o Syed Eiso, R/o Nizamabad.

7. Indian Upper Primary School, Nehrunagar, Nizamabad, rep.by its Secretary & Correspondent, Gulam Shareef, S/o Moinuddin, R/o Nizamabad.

8. Indian Upper Primary School, Ahmedpura Colony, Nizamabad, rep.by its Secretary & Correspondent, Gulam Shareef, S/o Moinuddin, R/o Nizamabad.

..... PETITIONERS

AND

1. The District Educational Officer, Nizamabad.

2. The Deputy Educational Officer, Nizamabad.

3. The Senior Inspector of Schools, Urban Area, Nizamabad.

4. Government of Andhra Pradesh, rep.by its Secretary, Education Department, Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more in the nature of Mandamus declaring the applicability of Andhra Pradesh School Education (Community Participation) Rules, 1998 issued in G.O.Ms.No.214, Edn., dated 10.7.1998 insofar as constituting School Education Committee and insisting the petitioners' Institutions to hold elections to School Education Committees on par with schools under the control of Government and Local Bodies pursuant to the Notification dated 27.11.2000 as illegal, arbitrary, unjust, void and without any authority of law and subversive of Articles 14, 19 and 30 (i) of the Constitution of India and also opposed to all principles of natural justice, equity and fair play and beyond the scope of the Act and virtually amount to destroying the concept of autonomy with regard to internal administration and Management of private Aided Institutions run by minorities and as such *ultra vires* of the provisions of the A.P. Education Act, 1982.

Counsel for the Petitioners: MR.VENU MADHAV, learned counsel representing MR.D.LINGA RAO, learned counsel for petitioners

Counsel for the Respondent Nos.1 to 4: GP FOR EDUCATION

The Court made the following:

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.23733 OF 2000

ORDER:

Mr. Venu Madhav, learned counsel representing Mr.D.Linga Rao, learned counsel for the petitioners, submits that the term of the school education committee is two years and therefore the writ petition has become infructuous. The writ petition is accordingly dismissed as infructuous.

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(V.V.S.RAO,J)

03.11.2004.

pln

To

1. The District Educational Officer, Nizamabad.
2. The Deputy Educational Officer, Nizamabad.

3. The Senior Inspector of Schools, Urban Area, Nizamabad.

4. The Secretary, Education Department, Government of Andhra Pradesh, Secretariat, Hyderabad.

5. Two CCs to the Government Pleader for Education,

High Court Buildings, Hyderabad (O.U.T)

6. Two C.D. Copies.